



Los Angeles County
Department of Regional Planning

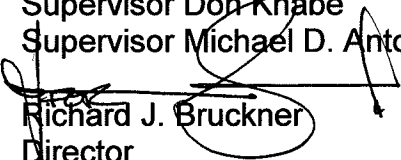
Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 19, 2010

TO: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

FROM: 
Richard J. Bruckner
Director

SUBJECT: **CONTINUED PUBLIC HEARING ON PROJECT NO. R2008-01962-(2),
CONDITIONAL USE PERMIT CASE NO. 200800163 (ITEM NO. 8,
AGENDA OF JULY 27, 2010)**

At the July 27, 2010 public hearing your Board instructed the Director of Planning to provide recommendations on additional conditions to address concerns regarding the potential safety and operational hazards, as well as parking and traffic issues, associated with the proposed scrap yard use at 9113 S. Alameda Street.

As instructed in the Board's motion, the draft conditions have been further evaluated and revised. The Department finds that the design of the project as proposed herein will adequately address the issues regarding traffic circulation, vehicle parking, environmental hazards and operational safety. Staff has incorporated a number of conditions to the operations permitted on-site to ensure that the site can accommodate the proposed use. The restrictions will limit the amount of materials and vehicles that the site will allow, and will also limit the potential for off-site traffic impacts.

Circulation and Parking Areas

The traffic circulation and parking areas have been addressed by staff in consultation with the Department of Public Works through conditions and a detailed traffic circulation diagram. The applicable conditions include:

- Restrictions on access by designating right-turn only entrance and exit ways (Condition #25a)
- Predefined clockwise traffic circulation (Condition #25b)

- Limitation on the area used for sorting and storage, which is approximately ten percent of the total site area (Condition #24a)
- Limitation on the on-site vehicle capacity (Condition #25c)
- Restrictions on the times for loading of outbound trucks (Condition #26)
- Prohibition on CRV recycling (Condition #27e)
- Limitation on number of parking spaces utilized by employees to five spaces during regular hours (Condition #24f)

Safety and Operational Hazards

The proposed use is located in a heavily industrial area, next to another scrap metal sorting yard, a utility corridor, a rail corridor, and across the street from an auto dismantling facility. The site is not in proximity to any residential uses.

Some of the hazards presented by this type of use have been considered and addressed through limitations on the scope of operations, including the times when loading may occur, not allowing crushing and sorting machinery or metal cutting shears on site. The conditions also restrict the areas available for processing and circulation. The number of inspections have been increased to thirteen (13) and will occur biannually (twice a year) for the first three years of the term, and annually thereafter, for the length of the term of ten years. The permittee is required to hold a community meeting and to provide minutes for those meetings to the Planning Director if it is determined that such a meeting is warranted.

Conclusion

The revised conditions of approval include additional restrictions and further clarify what types of operations are permitted by the application under consideration, and are meant to respond to and address the concerns raised in the Board's motion. It is recommended that until a set of standardized conditions for this type of use are established by the Department, as recommended by the Departments of Planning and Public Works in the report submitted to your Board on this topic, dated October 19, 2010, other scrap yard cases be reviewed and conditioned in a similar fashion.

RJB:JS:MM:AS

Attachment: Conditions of Approval

c: Executive Officer, Board of Supervisors
County Counsel
Public Works
Chief Executive Officer

This grant authorizes a conditional use permit to establish a scrap metal processing yard as depicted on the approved revised Exhibit "A", subject to all of the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
3. This grant shall not be effective for any purpose and cannot be used until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 2, and until all required fees have been paid pursuant to Condition Nos. 16 and 33. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5 and 13 shall be effective immediately upon final approval of this grant by the County.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.
 - c. The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.
6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
7. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
8. The property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A. In the event that subsequent revised plans are submitted, the permittee shall submit three (3) copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner. If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
11. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas on the premises over which the permittee has control.

12. All landscaped areas shall be continuously and properly maintained in good condition.
13. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee no earlier than six months prior to such expiration date.
14. This grant shall terminate on **October 26, 2020**. The permittee shall submit a written application accompanied by all applicable fees no less than 6 months prior to the expiration date of the initial term. Upon the expiration of this grant, the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the expiration date of this grant, whether or not any modification to the use is requested at that time.
15. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Applicable regulations include those regulations issued by California and federal agencies, such as OSHA and EPA. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
16. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$2,600.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for thirteen (13) inspections: the inspections will occur approximately biannually (twice a year) for the first three (3) years of the term, and annually for the last seven (7) years of the term. Inspections shall be unannounced. The inspection fee shall be paid within **30 days** of approval. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200.00 per inspection).
17. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above

that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

18. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
19. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.
20. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles is prohibited, with the exception of a temporary sign prohibiting stopping placed along the Alameda Street frontage.
21. Landscaping areas depicted on the approved Exhibit "A" shall comply with Section 22.52.770, part 20 and part 21 of chapter 22.52, and be continuously and properly maintained in good condition, neat, clean and healthful condition, including proper pruning, weeding, and removal of litter, fertilizing and replacement of plants. A permanent watering system with a smart irrigation controller shall be installed for the landscaped area, in compliance with Section 22.52.2130 C.2. A minimum of 75 percent of the total landscaped area shall contain plants from the drought-tolerant plant list maintained by the Department, in compliance with Section 22.52.2230 A.1.
22. Prior to the use of this grant, the property owner or permittee shall record a covenant in the office of the Los Angeles County Register-Recorder/County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of the County Code, and is also aware how said requirements apply to the owner's project.
23. Parking areas shall be conveniently accessible and permanently maintained as depicted on approved Exhibit "A", the site plan. (Including pavement, striping, wheel stops and landscaping). Parking spaces shall be developed pursuant to the requirements in Part 11 of Section 22.52.
24. The site shall be developed as follows:

- a. The sorting and storage area is restricted to the area marked on the Exhibit "A" as the "drop area". All sorting shall be done within this area and at no time shall vehicle sorting impede the traffic circulation pattern depicted on Exhibit "A".
 - b. An interior setback of ten (10) feet shall be maintained around the storage area on the western and northern edge of the property.
 - c. Materials may be stored above the height of the fence, provided such storage is not within ten feet of an exterior lot line.
 - d. Scrap metals shall not be placed or allowed to remain outside of the enclosed yard area.
 - e. All areas of the yard shall be paved with an asphalt surfacing. The site shall be inspected periodically and repaved to prevent deterioration of the surface area.
 - f. Employee parking shall be limited to five (5) parking spaces during regular hours or while the site is open to in-bound shipments. When the site is closed to in-bound shipments additional parking areas may be utilized for employee parking. The permittee shall implement a program for alternative transportation for employees, if necessary, to accommodate all employees.
25. The permittee shall be required to control vehicular circulation as follows:
- a. Access to Alameda Street is restricted as an entrance only and 92nd Street is restricted as an exit only.
 - b. Vehicular traffic circulation on-site shall be maintained in a clockwise circular pattern as depicted on the Exhibit "A". The permittee shall control the traffic flow on-site by directing vehicles to designated waiting areas while waiting to use the scale, unloading, and to receive payment. Vehicles shall be instructed to stop in designated waiting areas only.
 - c. The permittee shall monitor inbound vehicles to prevent vehicles from waiting in the public right of way as a result of the site having reached maximum vehicle capacity, which shall occur at any time vehicle circulation, as shown on the site plan, is impeded, but in no event shall site capacity exceed twenty (20) vehicles. When site capacity is reached the entrance gate shall be closed and no additional vehicles will be permitted on-site.

- d. In lieu of closing the entrance gate to the site, the use of a "flagman" procedure shall be evaluated on a trial basis, and the permittee shall discontinue the use of a "flagman" if instructed by the Director of Planning, on the basis that the implementation of the "flagman" procedure is ineffective at controlling the stopping of in-bound vehicles in the public right of way. The "flagman" will be positioned at the entrance gate, which may remain open, and will signal to vehicles, while the site is at capacity, that the site is closed to inbound vehicles and shall discourage vehicles from stopping in the public right of way.
- e. If instructed to discontinue the "flagman" procedure, the permittee shall be required to control in-bound vehicles by closing the entrance gate when the site reaches capacity, or by other means as determined by the Director.

26. The out-bound loading of vehicles is restricted as follows:

- a. The permittee shall abide by a "call ahead" provision for receiving any large trucks for out-bound loading (including "end-dump" and "rear-loading" trucks). The purpose of the call ahead provision is to enable the permittee to clear the site of vehicles circulation on-site to allow semi-trucks to operate on-site.
- b. Loading of "end-dump" container trucks shall occur only in the designated area on the east side of the property. Outbound loading of "end-dump" container trucks shall not occur while additional materials are being received and may occur within the designated circulation area. The entrance gate shall be shut during this time, and may occur at any time the site is closed to in-bound shipments.
- c. Loading of "rear-loading" trucks shall occur only in the designated area on the north side of the property as shown on the Exhibit "A" and it may occur simultaneously with the circulation of other vehicles. However, the site must be cleared to allow semi-truck to be weighed and exit the site. If possible, the permittee shall conduct all loading from 4:00 P.M. to 6:00 P.M.

27. The permittee is restricted to accepting materials that may be safely processed on-site within the designated areas. All shipments shall be inspected immediately upon arrival to the site to determine whether the shipment contains any prohibited materials. If shipments arrive on-site containing a mixed load, the permittee shall not permit the unloading of prohibited materials:

- a. The permittee shall not receive materials that require "special handling" which includes, but is not limited to, radioactive materials, PCB

(polychlorinated biphenyls) oils, capacitors and ballast containing PCB (polychlorinated biphenyls) oils, capacitors containing oil, transmissions containing oil, motor oils, anti-freeze, mercury switches, capsules containing mercury, CFC (chlorofluorocarbon), batteries and fuels.

- b. The permittee may accept Appliances under limited circumstances:
 - i. The permittee may accept Appliances for temporary storage but not for processing. If Appliances are part of a mixed load, the permittee may unload Appliances and the other materials, but is prohibited from further processing these items on-site. The permittee is required to have such items shipped off-site to a vendor for further processing. Such items shall be kept separate from the mixed metals pile and shall be placed in the designated "appliance area" within the larger "drop area" as shown on the Exhibit "A". The permittee shall schedule shipments of the Appliances on a regular basis to prevent the expansion of the appliance storage area. The permittee shall be licensed as a Certified Appliance Recycler ("CAR") pursuant to the Health and Safety Code §25211.4(7) for the purposes of temporarily storing appliances on-site.
 - ii. The permittee may accept already disassembled Appliances as part of its general metals shipment, as long as those Appliances have been properly processed off-site by a Certified Appliance Recycler and the permittee has received a DTSC Form 1430 from transporter at the time of transaction.
 - c. The permittee may accept automobile parts and components legally dismantled by another facility, but complete vehicles may not be accepted for dismantling into scrap.
 - d. The permittee shall not accept plastics, paper, glass and other types of recyclables.
 - e. The permittee shall not operate a certified CRV recycling facility.
28. The permittee is required to use only methods of processing metals that are safe in within the available lot area:
- a. The permittee shall process ferrous and nonferrous metals only. All metals shall be stored in the designated storage area.
 - b. The permittee shall not process materials described in Health and Safety Code §25211.2(b)) and described in California Assembly Bill No. 1447 (AB

1447) (2007) that are parts of "major appliances" as defined in California Public Resources Code §42166, which includes the following: washer or dryer, refrigerator or freezer, water and space heaters, furnace or boiler, air-conditioner or dehumidifier, trash compactor, oven, stove, or microwave (hereafter referred to as "Appliances").

- c. No vehicle dismantling on-site is permitted.
- d. The permittee shall not install any stationary crushing or sorting machines on-site. If the permittee proposes a change in the scope of operations of the facility, the permittee shall be required to apply for a modification of this condition in this conditional use permit, or if the burden of proof is not satisfied, may be required to obtain a new conditional use permit to expand the scope of operations.

29. The permittee is required to comply with the following restrictions regarding the operation of machinery on-site:

- a. No more than two items of (2) industrial machinery shall be in operation on-site at one time. An additional item (1) of machinery may be stored on-site, but shall not be operated at the same time.
- b. Machinery with a crane shall not contain an extended boom.
- c. No machinery shall be used with a cutting shear attachment for the purposes of cutting metals.
- d. The cutting of metals is permitted only with a blow torch.

30. Hours of operation for the facility shall be restricted as follows:

- a. Regular operating hours shall be from 7:00 A.M. to 4:00 P.M. Monday through Saturday. During regular operating hours the permittee shall be permitted to process in-bound and out-bound shipments.
- b. Limited operating hours shall be from 4:00 P.M. to 6:00 P.M. Monday through Saturday. During limited operating hours the permittee is permitted to process out-bound shipments only and shall close the facility to any in-bound shipments.
- c. The facility shall be closed to in-bound shipments during any time that the facility is loading an "end dump" truck which will be positioned along the eastern edge of the sorting area.

- d. The facility shall be closed to all operations on Sundays.
31. If issues related to the operation of the facility are brought to the attention of the Director of Planning, the Director may direct the permittee to hold a community meeting. Copies of notices, address list used for the mailing of notices (to current owners within a 500-foot radius, as listed with the County Assessor), and minutes describing issues, and proposed action steps to address the issues raised at the meeting shall be provided to the Director.
32. The permittee shall file and record, within sixty (60) days of the approval date of this grant, a covenant and agreement to hold the two parcels as one and submit a copy of the document to be recorded for review and approval. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director.
33. The permittee shall submit, within three (3) days of the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code, a fee of **\$2,085.25** is required. No land use project subject to this requirement is final, vested or operative until the fee is paid.
34. Permittee shall comply with all conditions requested by the Los Angeles County Department of Public Works (DPW) as set out in letter dated April 14, 2010 and the Los Angeles County Fire Department as set out in a letter dated February 4, 2010.

Attachments:

Letter from County of Los Angeles, Department of Public Works, dated April 14, 2010.
Letter from County of Los Angeles, Fire Department, dated February 4, 2010.